



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

**Binie V. Lipps**  
**Frederick W. Lipps**

Serial No.: 09/300,612

Filed: 27 April 1999

For:

**ANTI-LTNF FOR IN VITRO ASSAY  
OF BIOLOGICAL TOXINS**

§ ATTY DCKT NO: FWLPATUS012

§

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§

§

§ Art Unit: 1645.

§

§ Examiner: Baskar, P.

§

§

Commissioner of Patents and Trademarks  
Washington, DC 20231

TRANSMITTAL

Honorable Commissioner:

Transmitted herewith is:

(a) A Request for a one month extension of time to response to the Final Office Action dated July 18, 2000, concerning the captioned application, with attached check for \$55.00.

(b) A Request Transmittal for a Continued Prosecution Application of the captioned application, with attached check for \$395.00.

Respectfully submitted:

  
John R. Casperson  
Reg. No. 28,198  
Tel. No. 281-482-2961

CERTIFICATION OF EXPRESS MAILING DATE

I hereby certify that this correspondence is being deposited by me with the United States Postal Service on 8 Nov 2000 in an envelope as "Express Mail, Post Office to Addressee".

bearing Label Number EF335093641US, addressed to the "Commissioner of Patents and Trademarks, Washington, D.C. 20231".

Date 11-8-2000

  
John R. Casperson Reg. No. 28, 198

Send correspondence to:

John R. Casperson  
PO Box 2174  
Friendswood, Texas 77549



11-09-00

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PTO/SB/29 (8/98)  
Approved for use through 09/30/2000. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

*Submit an original, and a duplicate for fee processing.  
(Only for Continuation or Divisional applications under 37 C.F.R. § 1.53(d))*

CHECK BOX, if applicable:  
 DUPLICATE

Address to:

Assistant Commissioner for Patents  
Box CPA  
Washington, DC 20231

Attorney Docket No. of Prior Application	FWL PATO12 US
First Named Inventor	LIPPS, B.
Examiner Name	BASKAR, P.
Group / Art Unit	1645
Express Mail Label No.	EF335093641 US

This is a request for a  continuation or  divisional application under 37 C.F.R. § 1.53(d),  
(continued prosecution application (CPA)) of prior application number 09,300,617,  
filed on 27 April 1999, entitled Anti-LTNF for In Vitro Assay of Biological Toxins.

### NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. § 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. § 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. § 1.78(a).

1.  Enter the unentered amendment previously filed on 12 October 2000 under 37 C.F.R. § 1.116 in the prior nonprovisional application.
2.  A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53 (d)(4).
  - a.  **DELETE** the following inventor(s) named in the prior nonprovisional application:  


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 b.  The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4.  A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
  - a.  PTO-1449
  - b.  Copies of IDS Citations

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

(Continued Prosecution Application (CPA) Request Transmittal (PTO/SB/29)) [4-2.1]—page 1 of 2

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 C.F.R. § 1.16(c) or (i))	11 -20* =	0	x \$ _____ =	\$ — 0 —
	INDEPENDENT CLAIMS (37 C.F.R. § 1.16(b) or (i))	4 -3** =	1	x \$ <u>80.00</u> =	<u>80.00</u>
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. § 1.16(d))			+ \$ <u>0</u> =	<u>- 0 —</u>
				BASIC FEE (37 C.F.R. § 1.16)	<u>710.00</u>
				Total of above Calculations =	<u>790.00</u>
	Reduction by 50% for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27 & 1.28).				<u>395.00</u>
	* Reissue claims in excess of 20 and over original patent.				
	** Reissue independent claims over original patent.			TOTAL =	<u>395.00</u>

## 6. Small entity status:

a.  A small entity statement is enclosed, if (b) and (c) do not apply.  
 b.  A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.  
 c.  Is no longer claimed.

## 7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. \_\_\_\_\_:

a.  Fees required under 37 C.F.R. § 1.16.  
 b.  Fees required under 37 C.F.R. § 1.17.  
 c.  Fees required under 37 C.F.R. § 1.18.

8.  A check in the amount of \$ 395.00 is enclosed.9.  New Attorney Docket Number, if desired*[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]*10. a.  Receipt For Facsimile Transmitted CPA (PTO/SB/29A)b.  Return Receipt Postcard (Should be specifically itemized, See MPEP 503)11.  Other: .....

**NOTE:** *The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.*

## 12. NEW CORRESPONDENCE ADDRESS

 Customer Number or Bar Code Label New correspondence address below

(Insert Customer No. or Attach bar code label here)

Name				
Address				
City	State	Zip Code		
Country	Telephone	Fax		

## 13. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type) John R CaspersonSignature John R CaspersonRegistration No. (Attorney/Agent) 28,198

Date